

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)
Plaintiff,)
vs.)
MACH MINING, LLC,)
Defendant.)

**ORDER FOR AND NOTICE OF
SETTLEMENT CONFERENCE**

TO ALL PARTIES AND COUNSEL OF RECORD:

A settlement conference in the above case is set before the Honorable Philip M. Frazier, U.S. Magistrate Judge, in the U.S. Courthouse, Courtroom No. 2, 301 West Main Street, Benton, Illinois, on **April 23, 2012, at 9:15 a.m.**

The purpose of the settlement conference is to permit an informal discussion of every aspect of the lawsuit bearing on its settlement value and to discuss, propose and consider, and in appropriate instances to enter into settlement agreements. For these purposes it is essential that in addition to trial counsel the individual parties be present and in the case of corporate parties and insurance carriers a representative executive with unrestricted authority to settle the case.

The parties are directed to submit *ex parte* and **under seal** to Judge Frazier a settlement conference statement, in the form attached hereto, **on or before April 16, 2012**, setting forth, among other things, each party's position concerning factual issues, issues of law, damages or relief requested, and the party's settlement position and grounds therefor. Such settlement statement may be mailed to **Judge Philip M. Frazier, U.S. Courthouse, 301 West Main Street, Benton, Illinois 62812**, in an envelope marked "**Confidential - Submitted Under Seal**," or if the parties prefer, they

may submit their settlement statement to Judge Frazier VIA his official proposed document e-mail address, which is PMFpd@ilsd.uscourts.gov , or they may FAX it to him at **618/439-6325**. The settlement statement is **NOT** to be electronically or manually filed with the U.S. Clerk's Office as it is not part of the official court record. Neither the settlement statement nor the contents thereof shall be disclosed to any other party, and the same shall remain under seal to be opened only by the Court.

Pertinent evidence to be offered at trial, documents or otherwise, should be brought to the settlement conference for presentation to the settlement judge if thought particularly relevant.

Neither the settlement conference statements nor communications during the settlement conference with the settlement judge can be used by either party in the trial of this case.

In addition to counsel who will try the case being present, the individual parties shall also be present, and in the case of corporate parties, associations or other entities, and insurance carriers, a representative executive with unrestricted authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer shall also be present.

IF ANY PARTY BELIEVES THAT A SETTLEMENT CONFERENCE WOULD BE FUTILE, THEN THAT PARTY SHALL CONTACT THE COURT NOT LATER THAN SEVENTY-TWO HOURS PRECEDING THE SCHEDULED SETTLEMENT CONFERENCE.

IT IS SO ORDERED.

DATED: January 24, 2012.

s/ Philip M. Frazier
HON. PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

)
)
Plaintiff(s),)
)
vs.)
)
Defendant(s).)
)

CASE NO.

SETTLEMENT STATEMENT OF
_____, ATTORNEY FOR _____

This Settlement Statement is submitted *ex parte* pursuant to Order of the Court and shall not become a part of the official court file. Neither this statement nor communication during the settlement conference with the settlement judge can be used by any party in the trial of the case. This statement should not exceed five (5) pages in length.

Your position or interpretation of the factual issues:

Your position as to the issues of law:

Name of Trial Attorney:

Name of person with ultimate settlement authority who will be present at the Settlement Conference. If insurance is involved, include name of carrier and name of its representative with unrestricted authority:

Nature of relief requested:

Nature and extent of injuries, if applicable:

Outline of your discovery plan including your estimate of the total number of depositions you expect to take:

Nature and extent of discovery completed to date:

Your estimate of the total expenses to your client to the present and through trial including (a) legal fees, (b) travel expenses, (c) expert witness fees and expenses, (d) cost of deposition transcripts, (e) witness fees, and (f) any other foreseeable miscellaneous expenses:

Summarize settlement discussions you have had with opposing party including demands and offers:

Date of last settlement discussion _____.

DATED: _____.

SIGNED:

Responsible Attorney